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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,713	04/19/2000	Koukichi Masumoto	3064NG/48834	3146

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EXAMINER

TUGBANG, ANTHONY D

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/552,713

Applicant(s)

MASUMOTO, KOUKICHI

Examiner

Dexter Tugbang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of the invention of Group I, Claims 1-6, in Paper No. 3 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claim 7 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

### *Drawings*

3. The drawings are objected to because the portion of Figure 1A showing the feature of the rail G should be a separate Figure and should be labeled as --Prior Art--. Furthermore, Figures 3A-3C should be labeled as --Prior Art--, because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

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The following title is suggested: A Fixing Holder for fixing an Electronic Component having Wire-shaped Leg Portions to a Printed Circuit Board.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, the inconsistency between the language in the preamble "A fixing holder..." (line 1) and certain portions of the body of the claim such as "...to be engaged with the printed circuit board." (lines 18-19) renders the scope of the claims as being vague and indefinite because it is unclear if the intent is to claim either the subcombination of the fixing holder alone or the combination of the fixing holder, printed circuit board and electronic component. The applicant is asked to please clarify what subject matter the claim is intended to be drawn to where the language of the preamble of the claims are to be amended to be consistent with this intent.

The same inconsistencies occur in each of Claims 2-6 as each is drawn to the interconnection between the fixing holder and specific structure of either the electronic component or printed circuit board. Again, the preamble only requires the "fixing holder" alone and the limitations drawn to structure of the electronic component and printed circuit board in

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each of Claims 2-6 is misleading and confusing as to the what the scope of the claims are intended to cover, i.e. the subcombination or the combination.

NOTE: For examination purposes, the examiner assumes the applicant intended to claim the subcombination of the "fixing holder" alone.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ingaglio 4,399,608.

Ingaglio discloses a fixing holder having a cylindrical shaped holder (shown in Fig. 1) comprising: a holder main body portion (rod 21); a base portion (slot 25); an opening (bottom end of slot 25) with a flat surface 24 and an engagement nail portion (anyone of tabs 26 or 27).

Regarding Claim 1, the limitations of "to be...board" (lines 18-19) have not been any patentable weight as these limitations do not patentably further limit the claimed "fixing holder". The engagement nail portion (anyone of tabs 26 or 27) of Ingaglio is capable of being engaged with a printed circuit board.

Regarding Claim 2, the limitations of "the leg portions...board" (lines 4-13) have not been any patentable weight as these limitations do not patentably further limit the claimed

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“fixing holder”. The holder main body portion of Ingaglio is capable of being inclined forward and laid down on a printed circuit board.

Regarding Claims 3 and 4, the claimed “slanted surface” is read as the surface on knob 29, which is shown to be slanted (in Fig. 1) and can be said to be at a lower portion of the flat surface 24. The limitations of “when the holder...said holder” (lines 5-7 of each claim) have not been any patentable weight as these limitations do not patentably further limit the claimed “fixing holder”.

Regarding Claims 5 and 6, the limitations of “when said holder...the opening” (lines 4-6 of each claim) have not been any patentable weight as these limitations do not patentably further limit the claimed “fixing holder”. The opening (bottom end of slot 25) is capable of having wire-shaped leg portions move freely in it when the main body portion is inclined forward.

### *Conclusion*

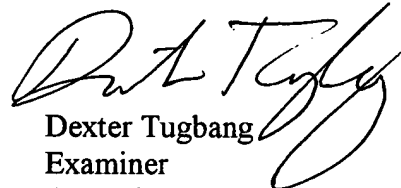
9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday - Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3588 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.



Dexter Tugbang  
Examiner  
Art Unit 3729

adt  
April 7, 2002